

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Independent claims 1, 20, 24, 25, 27 and 29 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

In addition, dependent claims 2-7, 12, 19, 21-23 and 30 have been amended to remain consistent with amended independent claims 1, 20, 24, 25, 27 and 29.

Further, claims 9, 10, 13 and 14 have been cancelled without prejudice or disclaimer of the subject matter recited therein.

II. 35 U.S.C. §101 Rejection

Claims 1-7 and 9-23 were rejected under 35 U.S.C. § 101 for reciting non-statutory subject matter. Specifically, independent claims 1 and 20 were rejected for reciting limitations that overlap statutory classes (i.e., for reciting an apparatus and a method). This rejection is respectfully traversed for the following reasons.

Independent claims 1 and 20 are clearly directed to an apparatus, since claims 1 and 20 recite a system comprising a server, a receiving apparatus, and measurement instruments. Furthermore, although claims 1 and 20 recite limitations in active tense (e.g., being stored), it is still clear that claims 1 and 20 do not recite any method steps and clearly relate all structure and

functionality to the claimed apparatus. Applicants also note that such active tense language is recited in the claims so that the claims will be grammatically correct in view of the “wherein” clauses recited therein.

Therefore, since claims 1 and 20 are clearly directed to an apparatus, rather than a method, withdrawal of this rejection is respectfully requested.

III. 35 U.S.C. § 103(a) Rejections

Claims 1-7, 11, 19-25, 27, 29 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Blants (U.S. 6,231,519) and Kennard (U.S. 2002/0147613). Further, claims 1-3, 5, 6, 9, 15, 20, 22, 23 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Iwano (U.S. 2003/0014283) and Kennard. In addition, claims 9-11, 13, 14 and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Iwano, Kennard and Ito (U.S. 6,572,564). Finally, claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Iwano, Kennard, Ito and Reed (U.S. 6,524,239). These rejections are believed clearly inapplicable to claims 1-7, 11, 12, 15-25, 27, 29 and 30 for the following reasons.

Amended independent claim 1 recites a system including a server, a receiving apparatus, and a plurality of measurement instruments. Further, claim 1 recites that the server includes a vital data measurement device that measures a body temperature of a respective subject. In addition, claim 1 recites that the server includes a value-added information making device that calculates, for each respective area of a plurality of areas, an average value of the plurality of body temperatures of the subjects. Finally, claim 1 recites that the receiver includes an output

device that presents and outputs a geographical distribution of the average values of the plurality of body temperatures, such that the geographical distribution is superimposed on a map. Blants, Kennard, Iwano and Ito, or any combination thereof fails to disclose or suggest the above-mentioned distinguishing features as recited in independent claim 1.

Rather, Blants merely teaches collecting risk factor information and location data associated with asthma patients and providing the patients with information related to air quality (see col. 5, lines 29-35). Specifically, Blants teaches that the risk factor information is collected by measuring physiological and dynamic parameters (e.g., time of day and geographical location) concerning the patient and creating risk maps based on the collected information.

Thus, in view of the above, it is clear that Blants merely teaches creating a risk map related to air quality for asthma patients by measuring physiological and dynamic parameters of the patients, but fails to disclose or suggest measuring a body temperature of a respective subject, calculating, for each respective area of a plurality of areas, an average value of the plurality of body temperatures of the subjects, and presenting and outputting a geographical distribution of the average values of the plurality of body temperatures, such that the geographical distribution is superimposed on a map, as required by claim 1.

Now turning to Ito, it is clear that Ito merely teaches managing health conditions of a patient at home, wherein urine of the patient is collected from inside a toilet bowl by a urine collector, an amount of glucose is detected in the urine, an electric signal indicating the amount of glucose is generated, and the electric signal is transmitted to a health care center (see col. 9, lines 30-64, and col. 11, lines 25-32).

Thus, in view of the above, it is apparent that Ito merely teaches collecting urine,

measuring a level of glucose in the urine and transmitting a signal to a health care center regarding the measured level of glucose, but fails to disclose or suggest measuring a body temperature of a respective subject, calculating, for each respective area of a plurality of areas, an average value of the plurality of body temperatures of the subjects, and presenting and outputting a geographical distribution of the average values of the plurality of body temperatures, such that the geographical distribution is superimposed on a map, as required by claim 1.

Applicants also note that Iwano merely teaches that vital data is collected and is provided in a statistical format, wherein vital data is shown in a graph format for various regions (e.g., “Whole of North America” and “State of New York”) (see Figs. 5 and 6, and paragraphs [0053]-[0060]).

Thus, in view of the above, although Iwano teaches that vital data is provided on a graph for various regions, such as “whole of North America,” Iwano still fails to disclose or suggest measuring a body temperature of a respective subject, calculating, for each respective area of a plurality of areas, an average value of the plurality of body temperatures of the subjects, and presenting and outputting a geographical distribution of the average values of the plurality of body temperatures, such that the geographical distribution is superimposed on a map, as required by claim 1.

Applicants also note that Kennard merely teaches illustrating climatological characteristics, such as an average temperature, on a map (see paragraph [0023]), but fails to disclose or suggest measuring a body temperature of a respective subject, calculating, for each respective area of a plurality of areas, an average value of the plurality of body temperatures of

the subjects, and presenting and outputting a geographical distribution of the average values of the plurality of body temperatures, such that the geographical distribution is superimposed on a map, as required by claim 1.

Further, Applicants note that Iwano and Kennard belong to fields of invention that are different from one another and are different from the field of the claimed invention. Specifically, since Iwano is related to the medical field and Kennard is related to measuring data from the environment (e.g., outdoor temperature, etc.), it is submitted that Iwano and Kennard are from different fields of invention. Therefore, it is submitted that a person of ordinary skill in the art of the present invention would not have been motivated to combine Figs. 5 and 6 of Iwano with paragraph [0023] of Kennard, as suggested in the Office Action.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 1 and claims 2-7, 11, 12 and 15-19 that depend therefrom would not have been obvious or result from any combination of Blants, Iwano, Ito and Kennard.

Amended independent claims 20, 24, 25, 27 and 29 are directed to a server apparatus, a method of using a system, a method of using a server, a program and a receiving apparatus, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that claims 20-25, 27, 29 and 30 are allowable over the prior art of record.

Furthermore, there is no disclosure or suggestion in Blants, Iwano, Ito and/or Kennard or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Blants, Iwano, Ito and/or Kennard to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claims 1, 20, 24, 25, 27 and 29 and

claims 2-7, 11, 12, 15-19, 21-23 and 30 that depend therefrom are clearly allowable over the prior art of record.

As mentioned above, claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Iwano, Kennard, Ito, and Reed. Specifically, Reed was relied upon for teaching the limitations of claim 12.

In view of the above, it is respectfully submitted that Reed does not disclose or suggest the above-discussed features of independent claim 1 which are lacking from the Iwano, Kennard and Ito references. Therefore, no obvious combination of Iwano, Kennard and Ito with Reed would result in, or otherwise render obvious, the invention recited independent claim 1 and claim 12 that depends therefrom.

IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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